

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 25, 2002**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J., Rico, J. (Assigned)  
and S. Beaux, Deputy Clerk.

Each of the following:

B145187 Ashanti v. Bowman  
B148539 People v. Yusaf T.  
B148980 People v. Gutierrez  
B149428 People v. Dominguez  
B149736 People v. Long  
B151118 People v. Doss  
B151930 People v. Gardner  
B152493 People v. York  
B153267 People v. Key, et al.  
B154408 People v. Stokes  
B154558 People v. Ganor  
B154796 People v. Zarate  
B155167 D.C.F.S. v. Melrina M.  
B156184 People v. Crozier  
B156452 People v. Calhoun  
B156489 People v. Lee  
B157414 Carolyn I. v. Superior Court; D.C.F.S.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B154412 Tahitian Pet Owners' Association et al.  
v.  
Davey

Merits:  
Argued by Kenneth H. Carlson for respondents. No appearance for  
appellant. Cause submitted.

B150924 People  
v.  
Carter

Merits:  
Argued by Estie Stoll for appellant and by Laura Bak-Boychuk, deputy  
attorney general, for respondent. Cause submitted.

B154642 Los Angeles County, D.C.F.S.  
v.  
Dept of Children & Family Services  
Gwendolyn P.

Merits:  
Argued by Michael A. Salazar for appellant and by Pamela Landeros,  
deputy county counsel, for respondent. Cause submitted.

Mallano, J. leaves the bench.

B152516 People  
v.  
Monson, Jr.

Merits:  
Argued by Patricia J. Ulibarri for appellant and by April S. Rylaarsdam,  
deputy attorney general, for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B152077     People  
              v.  
              Alcorn

Merits:

Argued by Bruce A. Beckman for appellant and by Erika D. Jackson, deputy attorney general, for respondent. Cause submitted.

Ortega, J. returns to the bench.

B152809     Los Angeles Police Protective League  
              v.  
              City of Los Angeles et al.

Merits:

Argued by Diane Marchant for appellant and by Janis Levart Barquist, deputy city attorney, for respondents. Cause submitted.

Ortega, J. leaves the bench.

B146149     People  
              v.  
              Hinton

Merits:

Argued by David Goodwin for appellant and by Stephen McEwen, deputy attorney general, for respondent. Cause submitted.

Ortega, J. returns to the bench.

Rico, J. (Assigned) leaves the bench.

B151633     People  
              v.  
              McCarthy

Merits:

Argued by M. Eileen McGarry for appellant and by Lauren E. Dana, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

Rico, J. (Assigned) returns to the bench.

Mallano, J. and Ortega, J. leave the bench.

B152565      Marrero  
                 v.  
                 Sedin et al.

Merits:

Argued by Thomas Edwards for appellant and by Robert W. Keaster for respondents. Cause submitted.

Mallano, J. and Ortega, J. return to the bench.

Spencer, P.J. leaves bench.

B157292      Liang  
                 v.  
                 Superior Court, Los Angeles County  
                 (The People, r.p.i.)

Merits:

Argued by David A. Ogden for petitioner and by Brent Riggs, deputy district attorney, for real party in interest. Cause submitted.

Spencer, P.J. returns to the bench.

Mallano, J. and Rico, J. (Assigned) leave the bench.

B149844      Moore  
                 v.  
                 Cedars Sinai Imaging Medical Group

Merits:

Argued by Jeffrey Ehrlich for appellant and by Barry Kaufman for respondent. Attorney Frances Diaz argues for appellant on order to show cause regarding sanctions. Cause submitted.

Mallano, J. returns to the bench.

## DIVISION ONE (Continued)

Spencer, P.J. leaves the bench.

B146948      Idelle C.  
v.  
Ovando C.

Merits:

Argued by Sterling E. Norris for amicus Judicial Watch, by Robin Yeamans for amicus Calif. NOW, by Idelle C., appellant in propria persona, by Ovando C. respondent in propria persona and by Dianna Gould-Saltman for respondent minor. Cause submitted.

Ortega, J. leaves the bench.

Rico, J. (Assigned) returns to the bench.

B152378      Schaefer  
v.  
Dublin's et al.

Merits:

Argued by Thomas P. Allen III for appellant. Respondent waived argument. Cause submitted.

Court adjourned.

B151893 People (Not for Publication)  
v.  
Macias

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B156452 People (Not for Publication)  
v.  
Calhoun

The judgment is affirmed and the cause is remanded to the trial court with directions to enter a corrected abstract of judgment to show (1) that the fines imposed pursuant to Penal Code sections 1202.4, subdivision (b), and 1202.45 are each in the amount of \$200.00, and (2) that the four-year term imposed is the high term, not mid-term as shown, and to forward the corrected abstract to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Rico, J. (Assigned)

B155454 People (Not for Publication)  
v.  
Olivera

The judgment (order granting probation) is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B147593 People (Not for Publication)  
v.  
Kevin D.

The order under review is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B149594 People (Not for Publication)  
v.  
Carlos

The judgment is modified by striking defendant's precommitment credits and awarding instead 220 days of actual custody credit and 110 days of conduct credit, for a total precommitment credit award of 330 days. The trial court is directed to prepare an amended abstract of judgment reflecting these changes and to forward it to the Department of Corrections. As modified, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B155094 People (Not for Publication)  
v.  
Allen

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

## DIVISION TWO

B154700      Lima Transportation Inc.    (Not for Publication)  
v.  
U.S. Xpress Enterprises

The judgment is affirmed. Respondent(s) to recover costs.

Nott, Acting P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

DIVISION TWO (Continued)

B152986     The Herb & Vitamin Center     (Not for Publication)  
              v.  
              Century Contractors & Janitorial Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur:    Boren, P.J.  
                  Ashmann-Gerst, J.

B152415     People     (Not for Publication)  
              v.  
              Steven R.

The order under review is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                  Doi Todd, J.

B149694     People     (Not for Publication)  
              v.  
              Hernandez

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                  Ashmann-Gerst, J.



DIVISION THREE

B151190      Bridgestone Corporation      (Certified for Publication)

v.

Superior Court, Los Angeles County

(T & T Truck & Crane Service, Inc. et al., r.p.i.)

The petition is denied. The order to show cause is discharged, and the stay of all trial court proceedings against Bridgestone is lifted. Truckers shall recover their costs in this writ proceeding.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B150570      People      (Not for Publication)

v.

Kazee

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Kitching, J.

DIVISION SIX

B151500      Lambert      (Not for Publication)

v.

The Studio of Performing Arts

Studio did not own or possess the driveway and it did not control it. Accordingly, Studio is entitled to summary judgment as a matter of law. The judgment is affirmed. Costs to respondent.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION SIX (Continued)

B148613 People (Not for Publication)  
v.  
Frederick

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B153005 People (Not for Publication)  
v.  
Garcia

The matter is remanded for resentencing on the section 186.22 enhancement, recalculation of appellant's credits without reference to section 2933.1, and for imposition of a stay of the term imposed for misdemeanor assault pursuant to section 654. In all other respects, the judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## DIVISION SEVEN

B155027      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Annette C.

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

DIVISION EIGHT

B147416 People (Not for Publication)  
v.  
Tanner

The judgment is modified to vacate the Penal Code section 667, subdivision (a)(1) enhancement. As modified, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B149806 People (Not for Publication)  
v.  
Murrell,

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B148142 Savage et al. (Not for Publication)  
v.  
Morse et al.

The judgment is affirmed. Respondent(s) to recover costs.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

DIVISION EIGHT (Continued)

B147421 People (Not for Publication)  
v.  
Chan

The judgment is reversed only insofar as the trial court imposed the street gang enhancements (s 186.22) on counts 1, 2 and 3. Those enhancements are ordered to be stricken, and the clerk of the superior court is directed to prepare an amended abstract of judgment to that effect. As to the count 1 murder conviction, the abstract should state that pursuant to section 186.22, subdivision (e), appellant is not eligible for parole until he has served 15 years, except as otherwise provided by law. The clerk is to deliver copies of the amended abstract to the Department of Corrections. In all other respects the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.